

9281-4241**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Appln. of: Akira Nakano et al.
Appln. No.: 10/043,739
Filed: January 9, 2002
For: Plasma Processing Apparatus And
System, Performance
Validation System And Inspection
Method Therefor

Examiner: MaGee, Christopher

Art Unit: 2653

RECEIVED

SEP 27 2004

OFFICE OF PETITIONSAttorney Docket No: 9281-4241**PETITION TO WITHDRAW FROM ISSUE UNDER 37 CFR § 1.313**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Dear Sir:

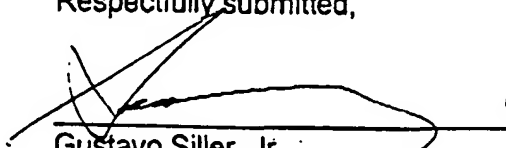
Applicants hereby petition for the withdrawal from issue of U.S. patent application Serial No. 10/043,739 ("the '739 application") under 37 CFR 1.313(b)(5) in order to permit the consideration of an Information Disclosure Statement Under Section 1.97 in a continuing application.

The issue fee for the above-identified application was paid by the certificate of mail procedure on August 17, 2004. Applicants received from the Japanese Patent Office for a corresponding foreign application an Office Action listing several references. Applicants desire to have the references cited in the Japanese Office Action considered by the Patent Office and hereby petitions for the withdrawal from issuance of the '739 patent application in order for Applicants to file an RCE (copy of transmittal attached) under 37 CFR § 1.53. Applicants authorize the deduction of the petition fee of \$130 to be withdrawn from Deposit Account 23-1925 as specified under 37 CFR § 1.17(i). A duplicate copy of this sheet is enclosed.

10/01/2004 AKELLEY 00000012 231925 10043739

C1 FC:1460 130.00 DA

Respectfully submitted,


Gustavo Siller, Jr.
Registration No. 32,305
Attorney for Applicants

9/27/04

-P. 1-
BRINKS
HOFER
GILSON
& LIONE

FACSIMILE COVER SHEET

Date: September 27, 2004

Fax No: Sherry Brinkley
703-305-4257

Your Ref. No.: 10/043,739
Our Client/Matter No.: 9281-4241

No. of Pages 5
(inc. this page):

IF YOU HAVE ANY PROBLEMS RECEIVING THIS MESSAGE,
PLEASE CALL 312-321-4200 AND ASK FOR: Marianne Hall ext. 4463

A Professional Corporation
Intellectual Property Attorneys

NBC Tower - Suite 3600
455 N. Cityfront Plaza Drive
Chicago, Illinois 60611-5599
Facsimile 312-321-4299
Telephone 312-321-4200

San Jose, CA
Indianapolis, IN
Ann Arbor, MI
Arlington, VA

THIS MESSAGE IS INTENDED ONLY FOR THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED. IT MAY CONTAIN PRIVILEGED, CONFIDENTIAL, ATTORNEY WORK PRODUCT, OR TRADE SECRET INFORMATION WHICH IS EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAWS. IF YOU ARE NOT THE INTENDED RECIPIENT, OR AN EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE (AND ALL COPIES) TO US BY MAIL AT THE ABOVE ADDRESS. WE WILL REIMBURSE YOU FOR POSTAGE.

COVER MESSAGE:

IF you do not receive all pages of this please contact me. Thank you.

Marianne

CERTIFICATE OF HAND DELIVERY

I hereby certify that this correspondence is being hand delivered to U.S. Patent and Trademark Office,
2011 South Clark Place, Customer Window, Crystal Plaza Two, Lobby, Room 1803, Arlington, VA 22202

Date: 9/22/04Name: Gustavo Siller, Jr.Signature: 

BRINKS
HOFFER
GILSON
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Akira Nakano et al.
Appln. No.: 10/043,739
Filed: January 9, 2002
For: Plasma Processing Apparatus And
System, Performance
Validation System And Inspection
Method Therefor

Examiner: MaGee, Christopher
Art Unit: 2653

Attorney Docket No: 9281-4241

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Transmittal Letter (in duplicate); Supplemental Information Disclosure Statement; PTO Form 1449; Copy of Office Action dated July 14, 2004 for Japanese Patent Application No. 2001-003882; Copy of cited references
- ☒ Return Receipt Postcard

Fee calculation:

- ☐ No additional fee is required.
- ☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$_____ under 37 C.F.R. § 1.17(_____).
- ☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	Or	Rate	Add'l Fee
Total		Minus			x \$9=			x \$18=	
Indep.		Minus			x 43=			x \$86=	
First Presentation of Multiple Dep. Claim					+\$145=			+\$290=	
					Total	\$		Total	\$

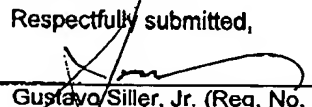
Fee payment:

- ☐ A check in the amount of \$_____ is enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$_____. A copy of this Transmittal is enclosed for this purpose.
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

Date

9/22/04


Gustavo Siller, Jr. (Reg. No. 32,305)